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Human rights situations and reports of special rapporteurs and representatives

Andorra, Australia, Austria, Belgium, Bulgaria, Costa Rica, Czech Republic, Estonia, France, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Monaco, Poland, Portugal, Romania, San Marino, Spain, Sweden and United States of America: draft resolution

Situation of human rights in Myanmar

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Aware that, in accordance with its Charter, the United Nations promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government, and therefore expressing its grave concern that the Government of Myanmar has still not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Recalling its resolution 53/162 of 9 December 1998,

Recalling also Commission on Human Rights resolution 1992/58 of 3 March 1992,[3] in which the Commission, *inter alia,* decided to nominate a special rapporteur with a given mandate, and Commission resolution 1999/17 of 23 April 1999,[4] in which the Commission

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] *Official Records of the Economic and Social Council, 1992, Supplement No. 2* (E/1992/22), chap. II, sect. A.
[4] Ibid., *1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

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decided to extend for one year the mandate of its Special Rapporteur on the situation of human rights in Myanmar,

Recalling the observation made by the Special Rapporteur that the absence of respect for the rights pertaining to democratic governance is at the root of all major violations of human rights in Myanmar,

Gravely concerned at the continuing and intensified repression of civil and political rights in Myanmar, as reported by the Special Rapporteur,

Deeply regretting the failure of the Government of Myanmar fully to cooperate with the relevant United Nations mechanisms, in particular the Special Rapporteur, while noting the recent increased contacts between the Government of Myanmar and the international community,

1. *Expresses its appreciation* to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar for his interim report,[5] and calls upon the Government of Myanmar to implement fully the recommendations made by the Special Rapporteur;

2. *Urges* the Government of Myanmar to cooperate fully and without further delay with the Special Rapporteur, and to allow him, without preconditions, to conduct a field mission and to establish direct contacts with the Government and all other relevant sectors of society, thus enabling him fully to discharge his mandate, and, in this context, notes with interest that the Government has expressed that it will give serious consideration to a visit by the Special Rapporteur;

3. *Welcomes* the resumption of cooperation with the International Committee of the Red Cross, allowing the International Committee to communicate with and visit prisoners in accordance with its standard working rules, and encourages continued cooperation;

4. *Expresses its appreciation* to the Secretary-General for his report[6] and notes with deep concern his conclusion that he is unable to report concrete progress, with the exception of the visit by the International Committee of the Red Cross, on issues that the international community has raised time and again in successive resolutions of the General Assembly and the Commission on Human Rights;

5. *Deplores* the continuing violations of human rights in Myanmar, including extrajudicial, summary or arbitrary executions, enforced disappearances, rape, torture, inhuman treatment, mass arrests, forced labour, including the use of children, forced relocation, and denial of freedom of assembly, association, expression and movement, as reported by the Special Rapporteur;

6. *Expresses its grave concern* at the increased repression of any form of public political activity, and at the arbitrary detention and arrest of those exercising their rights of freedom of thought, expression, assembly and association, as well as the harassment of their families;

7. *Strongly urges* the Government of Myanmar to release immediately and unconditionally detained political leaders and all political prisoners, to ensure their physical integrity and to permit them to participate in the process of national reconciliation;

8. *Expresses its grave concern* at the escalation in the persecution of the democratic opposition, notably over the past year, in particular members and supporters of the National

[5] A/54/440

[6] A/54/499

League for Democracy, at the harsh long-term prison sentences imposed, and at the use by the Government of intimidatory methods against elected representatives and members of the National League for Democracy, which forced them to resign from their positions and to dissolve their party offices;

9. *Expresses its concern* that the composition and working procedures of the National Convention do not permit either members of Parliament-elect or representatives of the ethnic minorities to express their views freely, and urges the Government of Myanmar to seek new and constructive means to promote national reconciliation;

10. *Strongly urges* the Government of Myanmar, taking into account the assurances given by it on various occasions, to take all necessary steps towards the restoration of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and, to this end and without delay, to engage in a substantive political dialogue with political leaders, including Aung San Suu Kyi, and representatives of ethnic groups and, in this context, notes the existence of the Committee representing the People's Parliament;

11. *Notes with grave concern* that the Government of Myanmar has failed to review its legislation, to cease to inflict the practice of forced labour on its people and to punish those exacting forced labour, which has forced the International Labour Conference to exclude the Government from further cooperation until such time as it has implemented the recommendations of the Commission of Inquiry;

12. *Strongly urges* the Government of Myanmar to cease the widespread and systematic use of forced labour, and to implement the recommendations of the Commission of Inquiry of the International Labour Organization regarding the implementation of the Forced Labour Convention, 1930 (No. 29) of the International Labour Organization, while noting the order by the Government of Myanmar issued in May 1999 directing that the power to requisition forced labour under the Towns Act and the Village Act not be exercised, as well as the invitation for a visit by the International Labour Organization, issued in October 1999;

13. *Deplores* the continued violations of human rights, in particular, those directed against persons belonging to ethnic and religious minorities, including summary executions, rape, torture, forced labour, forced portering, forced relocations, destruction of crops and fields, and dispossession of land and property, which deprives these persons of all means of subsistence;

14. *Deplores* the continuing violations of the human rights of women, especially women who are refugees, internally displaced or belong to ethnic minorities or the political opposition, in particular forced labour, sexual violence and exploitation, including rape, as reported by the Special Rapporteur;

15. *Strongly urges* the Government of Myanmar to ensure "all respect for all human rights and fundamental freedoms, including economic and social rights, and to fulfil its obligation to end the impunity of perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances";

16. *Urges* the Government of Myanmar to end the enforced displacement of persons and other causes of refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and full reintegration in conditions of safety and dignity;

17. *Notes with interest* the recent visit to Myanmar by the envoy of the Secretary-General for the purpose of discussions with the Government and with political leaders,

including Aung San Suu Kyi and representatives of some ethnic minority groups, and calls upon the Government of Myanmar to enter into a constructive dialogue with the Secretary-General in order to make better use of his good offices;

18. *Requests* the Secretary-General to continue his discussions on the situation of human rights and the restoration of democracy with the Government of Myanmar, to submit additional reports to the General Assembly during its fifty-fourth session on the progress of these discussions, and to report to the Assembly at its fifty-fifth session and to the Commission on Human Rights at its fifty-sixth session on the progress made in the implementation of the present resolution;

19. *Decides* to continue its consideration of this question at its fifty-fifth session.